HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15016 of 2007

Dated:16.07.2007

Between:

C.Raghuveera Reddy.

…Petitioner.

and

The Maturu Cooperative Housing Society Limited, and another.

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15016 of 2007

ORDER:

This Writ Petition is filed against the order, dated 02.07.2007, in I.A.No.285 of 2007, in C.T.A.No.36 of 2006, on the file of the A.P. Cooperative Tribunal, Hyderabad.

The 1st respondent filed C.T.A.No.36 of 2006, aggrieved by an order, passed by the 2nd respondent, appointing a Committee of Persons-in-charge. On an earlier occasion, the petitioner and six others approached this Court by filing W.P.No.12801 of 2006, assailing an order, dated 26.05.2006, passed in I.A.No.282 of 2006, directing handing over of records of the society to the 1st respondent. The writ petition was allowed by this Court, on 23.02.2007. Thereafter, the petitioner got himself impleaded in the C.T.A. The petitioner filed I.A.No.285 of 2007, with a prayer to defer the hearing of the appeal and to take steps to transfer the same to some other Tribunal, in the interests of justice. The application was opposed by the 1st respondent. The Tribunal dismissed the I.A., through its order, dated 02.07.2007.

Sri N.Subba Reddy, learned Senior Counsel appearing for the petitioner, submits that the Tribunal had expressed its view that there was an election to the Managing Committee and if any one is aggrieved by the result thereof, only an election petition ought to have been filed, and in that view of the matter, there was serious apprehension for the petitioner that he may not get dispassionate adjudication in the hands of the present Presiding Officer. He contends that when such an apprehension is expressed, in all fairness, the prayer of the petitioner ought to have been accepted.

Learned Government Pleader for Cooperation and Sri R.N.Hemendranath Reddy, learned counsel for the 1st respondent, on the other hand, submit that the petition is not maintainable in law and the course adopted by the petitioner, cannot be supported.

The adjudication of the C.T.A., is in progress. It was for the 1st respondent to make out a case, as pleaded by it. The petitioner entered the fray, at a later stage. The basis for the request made by the petitioner is contained in paragraph 5 of the affidavit, filed in support of the I.A. It reads as under:

> *"I wish to submit that this Hon'ble Tribunal as aforesaid has already come to a conclusion that only remedy for respondents to question the elector by appropriate proceedings since there was already an election to the managing committee notwithstanding the fact that there was no competence to the body which stated to have conducted the alleged election. This is a core issue in the appeal. In the interests of justice and to maintain the purity of the same, justice is not only to be done but seem to be done. I have got a reasonable apprehension that I may not get substantial justice from this Hon'ble Tribunal since it has already expressed its opinion."*

On the basis of this plea, the petitioner not only wanted the Tribunal to defer the hearing, but also by itself to take steps to transfer the matter to another Tribunal.

In this context, it needs to be observed that the apprehension expressed by the petitioner, is referable to the contents of the order,

passed by the Tribunal, in I.A.No.282 of 2006. That was the subject matter of W.P.No.12801 of 2006, filed by none other than the petitioner. The petitioner did not express any apprehension, about the impartiality of the Tribunal, when he filed the said writ petition. He availed the benefit of the order of this Court, which has set aside the order in the I.A. Once the order in I.A.No.282 of 2006 was the subject matter before this Court, it was totally unfair on the part of the petitioner to attribute something to the Presiding Officer. The language used in his petition is also objectionable. The worst part of it is that the petitioner not only expressed his apprehension that he may not get substantial justice, but also required the Tribunal itself to get the C.T.A. transferred to another Tribunal. There cannot be better instances of attempting to humiting the Tribunal, than this. This Court does not approve of such practice.

A party cannot expect that the Court must decide a matter in a particular way that suits him. Even where a wrong judgment is rendered, it is not as if the party is without remedy. The factual, or legal mistake committed by a Court, can certainly be corrected at a higher stage. Requiring the Court to get a matter transferred to another forum by itself, if at all, would only show the lack of respect of the individual to the institution.

The Writ Petition is accordingly dismissed. This Court has absolutely no doubt that the Tribunal will decide the matter on its own merits, uninfluenced by any observations made by it in the interlocutory orders, passed by it. There shall be no order as to costs.

Dt.16.07.2007 **L.NARASIMHA REDDY, J**

GJ